

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, APRIL 18, 2007**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of April 18, 2007, was called to order by Mayor Johnson at 6:00 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

- a) Review of Council Appointees – City Manager and City Attorney – pursuant to Government Code §54957
- b) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Norma Carson against City of Lodi Based on Personal Injury
- c) Actual Litigation: Government Code §54956.9(a); One Case; City of Lodi v. Stephen Banks and Christine Banks, San Joaquin County Superior Court, Case No. CV 032023
- d) Actual Litigation: Government Code §54956.9(a); Two Consolidated Cases; Ana Perez v. Allen Aadland, City of Lodi, et al. and Allstate Insurance Company v. City of Lodi, Allen B. Aadland, Lodi Electric Utility, et al., San Joaquin County Superior Court Case No. CV 028324
- e) Actual Litigation: Government Code §54956.9(a); One Case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al., United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- f) Actual Litigation: Government Code §54956.9(a); One Case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658

**C-3     ADJOURN TO CLOSED SESSION**

At 6:00 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:53 p.m.

**C-4     RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:00 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Items C-2 (a) and C-2 (e) were not discussed.

Items C-2 (b), C-2 (c), and C-2 (f) were discussion only.

In regard to Item C-2 (d), settlement authority and direction was given for \$15,000.

**A.     CALL TO ORDER / ROLL CALL**

The Regular City Council meeting of April 18, 2007, was called to order by Mayor Johnson at 7:00 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. INVOCATION

The invocation was given by Pastor Bill Cummins, Bear Creek Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Johnson.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Johnson presented a proclamation to Jennifer Busalacchi, Rape Prevention Coordinator with the San Joaquin County Women's Center, proclaiming the month of April 2007 as "Sexual Assault Awareness Month" in the City of Lodi.

D-2 (b) Mayor Johnson presented a proclamation to Nancy Martinez, Library Services Director, proclaiming the week of April 15 – 21, 2007, as "National Library Week" in the City of Lodi.

D-3 Presentations – None

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$6,591,192.66.

E-2 The minutes of April 3, 2007 (Shirtsleeve Session) were approved as written.

E-3 Adopted Resolution No. 2007-68 approving Negative Declaration 06-01 as adequate environmental documentation for the proposed Killelea Substation Rehabilitation Project.

E-4 Approved the specifications and authorized advertisement for bids for wood utility poles, #477MCM bare aluminum conductor, and padmount liquid insulated vacuum switchgear.

E-5 Approved the request for proposals for services to perform inspection, adjustments, and maintenance tests of four power transformers and load tap changers in Henning and Industrial Substations.

E-6 Approved the request for proposals and authorized advertisement for bids for concession operations at Lodi Lake Park and other locations (determined quarterly) for recreational events.

E-7 Adopted Resolution No. 2007-69 authorizing the City Manager to execute contract with Layne Christensen Company, of Woodland, for repairs to City Water Well No. 18 in the amount of \$40,183.

E-8 "Adopt Resolution Authorizing the City Manager to Execute a Master Professional Services Agreement with Ruark and Associates, of San Ramon, for Temporary Engineering Services and to Approve Individual Task Orders" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.

E-9 "Approve Contract to Provide Management Services to Delta College for the Preparation of an Environmental Impact Report for the Delta College Lodi Campus" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.

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ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-8 "Adopt Resolution Authorizing the City Manager to Execute a Master Professional Services Agreement with Ruark and Associates, of San Ramon, for Temporary Engineering Services and to Approve Individual Task Orders"

Council Member Hitchcock pulled the item and requested an overview of the contract.

City Manager King explained the contract provided for staff coverage during the recruitment process for the city engineer position in light of Wally Sandelin's anticipated departure. Public Works Director Prima stated Ruark and Associates is a small firm that specializes in municipal agencies and is currently working primarily for the city of Lathrop. Mr. Prima stated the firm will provide overall staff assistance as needed and will not have set office hours.

In response to Council Member Hitchcock, Mr. Prima stated the agreement is for approximately \$20,000 and any additional amounts over \$20,000 would be brought back to Council for approval.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Hansen second, unanimously adopted Resolution No. 2007-70 authorizing the City Manager to execute a master professional services agreement with Ruark and Associates, of San Ramon, for temporary engineering services and authorized the City Manager to approve individual Task Orders.

- E-9 "Approve Contract to Provide Management Services to Delta College for the Preparation of an Environmental Impact Report for the Delta College Lodi Campus"

Council Member Hitchcock requested a presentation regarding the item.

City Manager King provided an overview of the proposed project, stating the City is better equipped to manage the day-to-day happenings with the project; although, the majority of the work is being done by Delta College and its consultants.

Planning Manager Peter Pirnejad stated he has worked on the project in limited capacity for some time, made recommendations to the college, worked with the Director on selecting the consultants, and has the ability to oversee the project to ensure it moves forward.

In response to Council Member Hitchcock, Mr. King stated the College may be trying to avoid the mistakes of the Mountain House project and the City is in a better position to manage the process because it has planners and the college does not. Council Member Hitchcock stated she cannot support the matter because she does not believe the City should be involved at the proposed level.

Council Member Hansen stated he would support the contract because it is a partnership with the college to provide and share each agency's set of expertise.

Mayor Pro Tempore Mounce stated she would not support the action because the map was not available at an earlier time. Mayor Johnson stated the map was previously made available to the public and in the newspaper.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Johnson second, approved the contract to provide management services to Delta College for the preparation of an Environmental Impact Report for the Delta College Lodi Campus. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, and Mayor Johnson

Noes: Council Members – Hitchcock and Mounce

Absent: Council Members – None

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Dale Edwards requested a reconsideration of the previously adopted ordinance pertaining to gambling based on ethical considerations.
- Tom Newton stated the procedures regarding the previously adopted cardroom ordinance were properly followed and adhered to. In response to Council Member Hitchcock, Mr. Newton stated there was not a legal expansion of gambling per statute when the table size was changed from 48 to 90.
- Greg Goehring spoke in opposition to the previously adopted ordinance pertaining to gambling based on his concerns regarding the expansion of tables and people at the tables, the 9% gross revenues paid to the City, Mr. Newton's participation in the drafting of the ordinance, and comparisons to the Stockton ordinance. City Attorney Schwabauer stated the ordinance was drafted prior to and without Mr. Newton's involvement. Mr. Schwabauer stated Mr. Newton did provide comments at a later date by way of a draft proposed ordinance.
- Mark Washburn requested reconsideration of the previously adopted ordinance pertaining to gambling based on his concerns regarding community impact and signage along the highway.
- Ryan Lewis spoke in favor of the previously adopted ordinance pertaining to gambling, stating that additional people are interested in coming to the card room due to changes in the games.
- Linda Salisbury requested reconsideration of the previously adopted cardroom ordinance based on her concerns regarding impacts on families and children.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hansen reported on his attendance at the utility directors' retreat as Vice Chair of Northern California Power Agency, Century Meadows Park fencing and reseeding, and efforts regarding the safety of Highway 12.
- Council Member Hitchcock reported on her attendance at the Lodi Arts Commission dinner and dance and encouraged community participation with the Commission's efforts.
- Mayor Johnson reported that the Board of Supervisors committed \$400,000 to the Grape Bowl rehabilitation project. Mr. King stated the Grape Bowl Committee must now raise approximately \$500,000 in a 12-month period. Mayor Johnson also stated he, Council Member Katzakian, City Manager King, and Police Chief Adams will serve on a San Joaquin County task force addressing the expansion of jail facilities.
- Mayor Pro Tempore Mounce stated she had some concerns regarding speeding in neighborhoods and suggested citizens may be able to help by obtaining lawn signs for a minimal fee and placing them in their front yards. She suggested staff may want to look into options regarding the same.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King stated staff is working on public education through the Police Department regarding citizens observing traffic laws.

I. PUBLIC HEARINGS

Mayor Johnson stated the Council may want to consider a motion regarding time limits for public comments on the first public hearing in light of the crowd. He stated public comments can be limited to a specified time and discouraged repetitive comments. Council Member Hitchcock stated public comments should not be limited by time, but repetitive comments should be discouraged. Council Member Hansen stated he agreed with Council Member Hitchcock.

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider an appeal of the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane (Wine Country Casino and Restaurant, applicant; Kenneth R. Owen, appellant) *NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31*

Mayor Pro Tempore Mounce disclosed she visited the old and new facilities, spoke to facility workers, and met with Mr. Owen.

Council Member Hansen disclosed that he spoke with Mr. Newton some time ago, spoke with Mr. Owens several times, and was unable to meet with the facility members.

Council Member Hitchcock disclosed she exchanged emails with Chris Ray but was unable to meet, met with Mr. Owen, received documentation from Mr. Newton, and visited the facility.

Council Member Katzakian disclosed he had spoken with both sides and visited the new facility.

Mayor Johnson disclosed he received a number of communications, has not met with anybody since the previous ordinance was adopted, and has not visited the site.

City Manager King briefly introduced the subject matter.

Planning Manager Pirnejad provided an overview of the history and current status of the appeal. He specifically discussed compliance with the Municipal Code, project site, proposed services, Planning Commission review and recommendations, appeal by Christian Community Concerns, C-2 commercial zoning, Police Department analysis, involvement of the Office of Gambling Control and Department of Alcohol and Beverage Control, review of the proposal, staff recommendations, proposed landscape plan, and the condition of yearly review.

In response to Council Member Hitchcock, Mr. Pirnejad provided an overview of the Planning Commission discussion regarding this item. Mr. Pirnejad specifically discussed the location of the site at the entrance to the City, proximity to residential areas, property values, signage, addictiveness of alcohol and gambling, lighting and landscaping plan, traffic study, and consultation with the traffic engineers regarding the same.

In response to Council Member Hitchcock, Mr. Pirnejad stated the facility is required by the Municipal Code to have 39 parking spaces and it has 84 with potential for additional overflow. He stated the maximum occupancy is less than 300 people.

In response to Council Member Hitchcock, Mr. Pirnejad stated the proposal is to use the signage that is currently in existence with no changes.

In response to Mayor Pro Tempore Mounce, Mr. Pirnejad stated the signage does have the ability to light up.

In response to Council Member Hansen, Mr. Pirnejad stated there is no permit requirement to change the face plate of the signage other than a building permit. Council Member Hansen stated he would not want to see the word "casino" on the sign.

In response to Council Member Hitchcock, Mr. Pirnejad stated, as a condition of the use permit, the owner must keep the sliding door separator between the restaurant and casino closed.

In response to Council Member Hitchcock, Mr. Pirnejad stated there is no outstanding Fire Department correction, but the notation is used to reserve future concerns as a condition of the certificate of occupancy.

In response to Council Member Hitchcock, Mr. Pirnejad stated he is not aware of the ages of the employees in the restaurant.

In response to Council Member Hitchcock, Mr. Pirnejad stated 5.1 references a section of the ordinance that must be complied with.

In response to Council Member Hitchcock, Mr. Pirnejad stated notices were sent out to everyone located within a 300 foot radius as required by law. Discussion ensued between Council Member Hitchcock, City Attorney Schwabauer, and Mr. Pirnejad regarding the need for individual notification to property owners in the condo complex, notice to the homeowners association, and legal compliance with the noticing statutes. Mr. Schwabauer indicated noticing requirements were met pursuant to law.

In response to Council Member Hitchcock, Mr. Pirnejad stated the hours of operation could be changed.

In response to Council Member Hitchcock, Mr. Pirnejad stated the current ordinance was not changed as to the sale of alcohol. Mr. Pirnejad stated the Stockton ordinance does not allow the sale of alcohol in the cardroom, but does allow the sale onsite. He stated the City's ordinance does allow the sale of alcohol in the cardroom, but also limits the dealing of cards to those inebriated.

In response to Mayor Pro Tempore Mounce, Mr. Schwabauer stated the proposed facility could not operate as a casino in the Tahoe sense of the word unless state law and the Municipal Code changed. He stated state law does not prevent a cardroom from utilizing the word casino; although, the operation is limited to a cardroom. He stated the primary difference is the interest in the outcome of the bet placed.

In response to Council Member Hitchcock, Mr. Schwabauer stated he is not aware of any push to change or otherwise expand cardroom operations statewide.

## RECESS

At 8:44 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 8:53 p.m.

## I. PUBLIC HEARINGS (Continued)

### I-1 Comments by Appellant and Applicant (Cont'd.)

- Ken Owen, appellant and representative of Christian Community Concerns, provided an overview of the organization. Mr. Owen also discussed the City's previous adoption of the ordinance pertaining to gambling, overall growth and expansion in the city, notification requirements for the proposed facility, petitions signed by individuals opposed to the proposed facility, location of the facility near the entrance to the city, Cherokee Lane traffic concerns, Stone Tree condo unit sales and property values, and the overall effect of gambling on families. In response to Council Member Hitchcock, Mr. Owen stated he was advised by the realtor that the property values of the condos would be adversely affected. In response to Mayor Johnson, Mr. Owen stated he was not sure how many of the units were currently leased or rented.
- Diane Rankin, representing Stone Tree condo complex, stated it placed brochures in the sales office for potential buyers who are not aware of the proposed facility. In response to Council Member Hansen, Ms. Rankin stated the complex has 42 owners, 4 of whom are offsite, and 32 unsold units. She stated the last unit sold today.
- Tom Newton, representative of Wine Country Casino and Cardroom, provided a brief presentation regarding the proposed facility. He discussed the recommendations of the Police Department and Planning Commission, previous lawful use, the annual review, new jobs, and location in a commercial zone. In response to Council Member Hansen, Mr. Newton stated they have expended about \$150,000 and are committed to a 15-year

facility lease. In response to Mayor Johnson, Mr. Newton stated, as a condition of the use permit, they will be returning for an annual review to ensure compliance. City Attorney Schwabauer stated there may also be other independent reviews by differing agencies. In response to Council Member Hitchcock, Mr. Newton stated they are not taking anything for granted and are working on a self-policing program through the Department of Gambling.

Hearing Opened to the Public

- David Gutierrez spoke in opposition to the proposed facility based on concerns regarding the effects of gambling on children.
- John Glen spoke in favor of the proposed facility based on the positive impacts it will have on the community.
- Pat Meeks spoke in favor of the proposed facility, stating he played cards for entertainment purposes.
- LaVerne Avila spoke in opposition to the proposed facility based on location concerns.
- Pastor Knowles spoke in opposition to the proposed facility based on the moral effects of gambling.
- Perry Kallis spoke in opposition to the proposed facility based on the negative effects of gambling on communities.
- Tim Pollock spoke in opposition to the proposed facility based on the negative effects of gambling on families.
- Dale Edwards spoke in opposition to the proposed facility based on the negative effects of gambling, revenue relationship with the City, and contingencies in contracts and requested the decision be delayed until more information is received.
- Ryan Lewis spoke in favor of the proposed facility, stating the sliding door was a pre-existing door, Stockton Police Department responses to the cardrooms are fewer in number than those for pizza parlors, the players are good clientele, it is a highly-regulated business, this is not a new business but a move of a pre-existing legal business, they are addressing problem gambling through the self-exclusion program, and they will remove the word "casino" if necessary.
- Kevin Stevens spoke in opposition to the proposed facility based on his concerns regarding the negative effect on tourism revenue and reputation of the city.
- Michael Norman spoke in opposition to the proposed facility based on the negative impacts on the community and notifications to surrounding property owners.
- William Rusher spoke in favor of the proposed facility, stating it is a lawful business and provides entertainment.
- Rene Philastre spoke in favor of the proposed facility, stating he would like the right to play poker in Lodi so that he does not have to go to another city.
- Eunice Friederich spoke in opposition to the proposed facility based on her concerns regarding the city's image and the effects of gambling on families and neighbors.
- Wes Hallmark spoke in opposition to the proposed facility based on his concerns regarding the image of the city.
- Diane Rankin spoke in opposition to the proposed facility based on her concerns regarding the effects on Stone Tree residents and property values.
- David Nielsen spoke in favor of the proposed facility based on his involvement with the local community and restaurant and the location.

- Randy Snider spoke in favor of the proposed facility based on knowledge of the individuals involved with the project and their strong ties to the community.
- Jack Morgan spoke in favor of the proposed facility based on its location and service.

Public Portion of Hearing Closed

Ken Owen provided closing remarks as the appellant, stating the opposition to the proposed facility would still be so regardless of the principals involved as he is against gambling and its effect on people. Mr. Owen stated he also had concerns regarding the location.

Tom Newton provided closing remarks, stating personal choice cannot be regulated and the business should be given an opportunity.

In response to Council Member Hansen, City Attorney Schwabauer stated the ordinance previously adopted must be reagendized to consider any amendments, including those related to revenue and sales tax.

Discussion ensued between the City Council regarding the proposed motion, changes regarding hours of operation, signage, an accelerated restaurant opening, and property values.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Mounce second, adopted Resolution No. 2007-71 denying the appeal from Kenneth R. Owen regarding the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane and further directed that the following two conditions be incorporated into the Conditional Use Permit: 1) limit the hours of operation to 10:00 a.m. to 2:00 a.m., Monday through Sunday; and 2) prohibit the use of the word "casino" in all signage. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – Hitchcock

Absent: Council Members – None

RECESS

At 11:19 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 11:27 p.m.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour, with the exception of Items I-2, I-3, K-1, K-2, and K-5, all of which will be continued to the regular meeting of May 2, 2007.

I. PUBLIC HEARINGS (Continued)

- I-2 "Public Hearing to Consider Adoption of Resolution Establishing Public Works Department Engineering Fees for Various Development-Related Engineering Services; Establishing Standard Unit Price Schedule for Calculation of Engineering Fees and Improvement Security; and Establishing Requirement for Warranty Security for Public Improvements" was ***pulled from the agenda pursuant to the above vote.***



- I-3 "Public Hearing to Consider Adoption of Resolution Setting Storm Drainage Permit Compliance Inspection Fees for Wet Season Construction Inspections" was ***pulled from the agenda pursuant to the above vote.***

J. COMMUNICATIONS

- J-1 Claims Filed Against the City of Lodi – None  
J-2 Appointments – None  
J-3 Miscellaneous – None

K. REGULAR CALENDAR

- K-1 "Consideration of Water Meter Retrofit Policy" was ***pulled from the agenda pursuant to the above vote.***  
K-2 "Receive Progress Report on City of Lodi General Plan Update" was ***pulled from the agenda pursuant to the above vote.***  
K-3 "Consider Adoption of Revised Travel and Expense Reimbursement Policy"

Discussion ensued between Council Member Hitchcock, Council Member Hansen, Mayor Pro Tempore Mounce, Mayor Johnson, City Clerk Johl, and Deputy City Manager Krueger regarding the \$65 per diem amount and the possibilities of combining unused travel funds.

Mayor Johnson stated he would like to fund the One Voice trip, but he is not in support of combining the accounts and would rather discuss the matter in the future.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, adopted Resolution No. 2007-72 approving the revised Travel and Expense Reimbursement Policy. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce  
Noes: Council Members – Johnson  
Absent: Council Members – None

- K-4 "Review Groundwater Charge for City Wells Proposed by the North San Joaquin Water Conservation District and Direct Staff as Appropriate"

City Manager King provided a brief introduction of the history, status, and cost associated with the North San Joaquin Water Conservation District (NSJWCD).

In response to Council Member Hansen, Mr. King stated it is unclear how the water fund will be impacted. Mr. Prima stated the fund might be affected by the water meter policy, but this by itself would not trigger a rate increase.

In response to Council Member Hitchcock, Mr. Prima stated rates would not be raised for \$67,000 but the fund may be impacted at a later date by the water meters.

Discussion ensued between Mayor Johnson and Ed Stefani, representing NSJWCD, regarding the annual acreage charge per resident, addressing overdraft issues, the water rate permit process, and the County's efforts with groundwater charge.

In response to Council Member Hansen and Mayor Johnson, Mr. Prima stated the matter can still fail under a protest and the State could still take over.

In response to Mayor Pro Tempore Mounce, Mr. Stefani stated \$800,000 is coming from agricultural areas to the east and north.

In response to Council Member Hitchcock, Mr. Stefani stated Lodi is the only city involved, but there are other public agencies that are involved.

In response to Mayor Johnson, Mr. Prima stated the water fund can absorb the cost and there is no sunset clause.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, approved supporting the proposed groundwater charge by the NSJWCD on well owners, including City of Lodi wells within the District (approximately \$200,000 per year), with the additional request that reasonable payment terms be implemented that would help with the City's cash flow. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce

Noes: Council Members – Mayor Johnson

Absent: Council Members – None

K-5 “Consideration of Adjustments to the City Manager and City Attorney Employment Agreements” was ***pulled from the agenda pursuant to the above vote.***

K-6 “Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases Being Handled by Outside Counsel (\$98,008.45)”

In response to Council Member Hitchcock, Mr. Prima replied that the groundwater clean-up amounts are \$1.8 million for the current year and \$2.7 million for the next year.

MOTION / VOTE:

The City Council, on motion of Mayor Johnson, Council Member Hansen second, approved expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$98,008.45, as detailed below:

**Folger Levin & Kahn – Invoices Distribution**

Matter No.	Invoice No.	Date	Description	Water Acct. Amount
8002	100826	2/28/2007	People v. M&P Investments	\$ 17,715.15
8003	100827	2/28/2007	Hartford Insurance Coverage Litigation	\$194,989.50
			Contingency Fee Amount Savings	-144,989.50
8008	100825	2/28/2007	City of Lodi v. Envision Law Group	\$ 11,220.30
				<u>-281.00</u>
<b>Total</b>				<b>\$ 78,654.45</b>

**Kronick Moskowitz Tiedemann & Girard – Invoices Distribution**

Matter No.	Invoice No.	Date	Description	100351.7323
11233.026	231521	03/25/07	Lodi First v. City of Lodi	\$ 9,174.36
11233.027	231521	03/25/07	Citizens for Open Government v. City of Lodi	\$ 414.73
11233.029	231521	03/25/07	AT&T v. City of Lodi	\$ 2,387.46
11233.032	231521	03/25/07	CFD Formation	<u>\$ 5,026.50</u>
<b>Total</b>				<b>\$ 17,003.05</b>

**Kronick Moskovitz Tiedemann & Girard – Invoices Distribution**

Matter No.	Invoice No.	Date	Description	100351.7323
11233.019	228819	10/25/06	Claims by Environmental Consult.	\$ 304.00
11233.026	228819	03/25/07	Lodi First v. City of Lodi	\$ 114.10
11233.027	228819	03/25/07	Citizens for Open Government v. City of Lodi	\$ 551.05
11233.029	228819	03/25/07	AT&T v. City of Lodi	\$ 76.15
<b>Total</b>				<b>\$ 1,045.30</b>

**MISCELLANEOUS**

Invoice No.	Date	Description	Water Account Amount
868801	3/16/2007	Harry A. Cannon, Inc.	\$ 576.15
20062531	3/28/2007	Legalink, Inc.	\$ 729.50
<b>Total</b>			<b>\$ 1,305.65</b>

**L. ORDINANCES**

L-1 Following reading of the title of Ordinance No. 1795 entitled, "An Uncodified Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 1325 and 1333 South Central Avenue (APN 047-270-11 and 047-270-12) from RE-1, Single Family Residential Eastside, to C-2, General Commercial, for the Gini Project," having been introduced at a regular meeting of the Lodi City Council held April 4, 2007, the City Council, on motion of Council Member Hansen, Mounce second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and  
Mayor Johnson

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – None

L-2 Following reading of the title of Ordinance No. 1796 entitled, "An Uncodified Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 975, 999, and 1031 South Fairmont Street; 1200 West Vine Street; and 1201, 1139, 1133, 1127, 1121, and 1115 West Cardinal Street from RCP, Residential-Commercial-Professional Office, and R-2, Residence District, to PD, Planned Development, for the Lodi Memorial Hospital Project," having been introduced at a regular meeting of the Lodi City Council held April 4, 2007, the City Council, on motion of Council Member Hansen, Mounce second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – Mayor Johnson

**M. ADJOURNMENT**

There being no further business to come before the City Council, the meeting was adjourned at 12:08

ATTEST:

Randi Johl  
City Clerk